

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHELLE N. ALLEN )  
                        )  
                        )  
Plaintiff,           )                           Consolidated Case  
v.                     )                           No. 4:11CV01255 AGF  
                        )  
NEVIN WATERS, D.D.S., PC, )  
                        )  
                        )  
                        )  
Defendant.           ) )

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MICHELLE N. ALLEN        )  
                        )  
Plaintiff,                )  
                        )  
v.                        )                           Associated Case  
                        )                           No. 4:11CV01256 AGF  
REACHOUT HEALTHCARE AMERICA, )  
                        )  
                        )  
Defendant.                ) )

**MEMORANDUM AND ORDER**

**IT IS HEREBY ORDERED**, in light of the Court's Order dated October 4, 2011, granting Plaintiff's motion to consolidate the above two captioned cases, that Plaintiff shall, on or before January 13, 2012, file an Amended Complaint, that includes all claims against Defendant Nevin Waters, D.D.S., PC, and Defendant Reachout Healthcare America.

**IT IS FURTHER ORDERED** that the motion to dismiss (Doc. No. 9) filed by Defendant Reachout Healthcare America in Case No. 4:10CV01256 AGF is **DENIED as moot, without prejudice** to the refiling by this Defendant of a motion to dismiss addressed to the Amended Complaint to be filed by Plaintiff.

**IT IS FURTHER ORDERED** that Plaintiff's motion for the appointment of counsel in Case No. 4:10CV01256 AGF (Doc. No. 4) and her motion for appointment of counsel in Case No. 4:10CV01255 AGF (Doc. No. 24) are **DENIED** for the same reasons set forth in the Court's Order dated October 18, 2011 (Doc. No. 18) in Case No. 4:10CV01255 AGF. The pleadings filed to date by Plaintiff convince the Court that she is capable of filing an Amended Complaint as directed above, as well as of preparing for the Scheduling Conference set for January 27, 2012. Plaintiff's assertion that she believes the contingency fee requested by an attorney is too high is not a basis for the Court to appoint an attorney to represent her.

**IT IS FURTHER ORDERED** that the Clerk's Office shall close Case No. 4:10CV01256 AGF.

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*s/Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 29th day of December, 2011.